

REMARKS

I. Status of the Application

Claims 1-11 were pending. In the Office Action dated January 24, 2006, Examiner rejected claims 1-11 under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent No. 6,987,487 to Zimmerman et al. ("Zimmerman"). By this Amendment, Claims 1 and 7-10 have been amended, Claims 2, 3 and 11 have been canceled, and Claim 12 has been added. No new matter has been added by these amendments. As a result, Claims 1, 4-10 and 12 are pending in the present Application.

II. Rejections Under 35 U.S.C. § 102

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zimmerman. Applicant respectfully traverses the Examiner's rejection.

Amended Claim 1 is directed to a phase shifting device for an array of antenna elements having respective antenna feed lines, formed on a printed circuit board, with respective open circuits formed therein. The phase shifting device is comprised of a body slidable relative to the printed circuit board. The body carries a first conductive strip and an oppositely sensed second conductive strip overlying the first conductive strip. The first and second conductive strips form an RF connection across respective open circuits. The first and second conductive strips are formed such that at least one of the feed lines is lengthened by movement of the first conductive strip in a first direction and shortened by movement in an opposed second direction.

In order for a reference to constitute a § 102(b) bar to patentability, the reference must disclose each and every element of the claimed invention. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983). Applicant respectfully submits that Zimmerman does not disclose each and every element of independent Claim 1.

Zimmerman is directed to an antenna assembly which includes at least two antennas that are separated into groups. The groups of antennas are mounted on a panel. A first phase adjuster is coupled to the first antenna group. The first phase adjuster is also coupled to a second phase adjuster, which is, in turn, coupled to said second antenna group. The first phase adjuster is coupled to the second phase adjuster, such that an adjustment of the first phase adjuster causes an adjustment of the second phase adjuster. In Zimmerman, a conductive wiper over a portion of a

transmission line. Further, the wiper arrangement enables only a single phase shift to be introduced into any transmission line. Zimmerman, however, does not disclose, teach or suggest, “a first plurality of conductive strips and a second plurality of oppositely sensed conductive strips for forming an RF connection across respective open circuits” as required by Claim 1 of the present application. In other words, in contrast to Zimmerman, the phase changes of the present invention can be increased incrementally.

Moreover, Applicant’s invention is not rendered obvious by Zimmerman or any of the other references of record. Specifically, Applicant respectfully submits that any conclusion of obviousness could only be arrived at through hindsight analysis and by reading into the art Applicant’s own inventive teaching. Applicant submits that neither Zimmerman alone, nor in combination with any of the prior art of record, suggests a motivation to provide “a first plurality of conductive strips and a second plurality of oppositely sensed conductive strips for forming an RF connection across respective open circuits....”

For the foregoing reasons, Applicant respectfully submits that Claim 1 recites matter patentably distinguishable from Zimmerman. Claims 4-10 ultimately depend from Claim 1 and necessarily include the limitations of Claim 1. Accordingly, for the same reasons Claim 1 is patentable over Zimmerman, Applicant submits that Claims 4-10 are also patentable over Zimmerman.

III. Conclusion

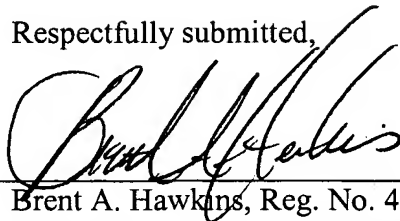
In view of the above Remarks, Applicant respectfully submits that claims 1, 4-10 and 12 are patentable over the cited prior art, and are in condition for allowance. Applicant respectfully requests that Examiner reconsider and withdraw the rejections of claims 1, 4-10 and enter an allowance of claims 1, 4-10 and 12. Applicant further invites Examiner to contact the undersigned attorney to discuss any matters pertaining to the present Application.

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Respectfully submitted,

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